

Senate File 2231 - Enrolled

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SENATE FILE 2231

AN ACT

CONCERNING ACCRUED SICK LEAVE AND THE CONVERSION OF SICK LEAVE FOR STATE EMPLOYEES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 70A.1, Code 2005, is amended to read as follows:

70A.1 SALARIES == PAYMENT == VACATIONS == SICK LEAVE == EDUCATIONAL LEAVE.

1. Salaries specifically provided for in an appropriation Act of the general assembly shall be in lieu of existing statutory salaries, for the positions provided for in the Act, and all salaries, including longevity where applicable by express provision in the Code, shall be paid according to the provisions of chapter 91A and shall be in full compensation of all services, including any service on committees, boards, commissions or similar duty for Iowa government, except for members of the general assembly. A state employee on an annual salary shall not be paid for a pay period an amount which exceeds the employee's annual salary transposed into a rate applicable to the pay period by dividing the annual salary by the number of pay periods in the fiscal year.

Salaries for state employees covered by the overtime payment provisions of the federal Fair Labor Standards Act shall be established on an hourly basis.

2. All employees of the state earn two weeks' vacation per year during the first year of employment and through the fourth year of employment, and three weeks' vacation per year during the fifth and through the eleventh year of employment, and four weeks' vacation per year during the twelfth year through the nineteenth year of employment, and four and four-tenths weeks' vacation per year during the twentieth year through the twenty-fourth year of employment, and five weeks' vacation per year during the twenty-fifth year and all subsequent years of employment, with pay. One week of vacation is equal to the number of hours in the employee's normal work week. Vacation allowances accrue according to chapter 91A as provided by the rules of the department of administrative services. The vacations shall be granted at the discretion and convenience of the head of the department, agency, or commission, except that an employee shall not be granted vacation in excess of the amount earned by the employee. Vacation leave earned under this ~~paragraph~~ subsection shall not be cumulated to an amount in excess of twice the employee's annual rate of accrual. The head of the department, agency, or commission shall make every reasonable effort to schedule vacation leave sufficient to prevent any loss of entitlements.

PARAGRAPH DIVIDED. If the employment of an employee of the state is terminated the provisions of chapter 91A relating to the termination apply.

If ~~said the~~ termination of employment ~~shall be is~~ by reason of the death of the employee, ~~such the~~ vacation allowance shall be paid to the estate of the deceased employee if ~~such the estate shall be is~~ opened for probate. If ~~no an estate be is not~~ opened, the allowance shall be paid to the surviving spouse, if any, or to the legal heirs if no spouse survives.

3. Payments authorized by this section shall be approved by the department subject to rules of the department of administrative services and paid from the appropriation or fund of original certification of the claim.

4. ~~Commencing July 1, 1979~~ Effective July 1, 2006, permanent full-time and permanent part-time employees of state departments, boards, agencies, and commissions, ~~excluding employees covered under a collective bargaining agreement which provides otherwise,~~ shall accrue sick leave ~~at the rate of one and one-half days for each complete month of full-time employment as provided in this subsection which shall be credited to the employee's sick leave account.~~ The sick leave accrual rate for part-time employees shall be prorated to the

3 4 accrual rate for full-time employees. The sick leave accrual
3 5 rate for each complete month of full-time employment,
3 6 excluding employees covered under a collective bargaining
3 7 agreement which provides for a different rate of accrual,
3 8 shall be as follows:
3 9 a. For employees of the state board of regents, one and
3 10 one-half days.
3 11 b. For employees who are peace officers employed within
3 12 the department of public safety or department of natural
3 13 resources and who are not covered under a collective
3 14 bargaining agreement, the rate shall be the same as the rate
3 15 provided under the state police officers council collective
3 16 bargaining agreement.
3 17 c. For all other employees, the rate shall be as follows:
3 18 (1) If the employee's accrued sick leave balance is seven
3 19 hundred fifty hours or less, one and one-half days.
3 20 (2) If the employee's accrued sick leave balance is one
3 21 thousand five hundred hours or less but more than seven
3 22 hundred fifty hours, one day.
3 23 (3) If the employee's accrued sick leave balance is more
3 24 than one thousand five hundred hours, one-half day.
3 25 5. Sick leave shall not accrue during any period of
3 26 absence without pay. Employees may use accrued sick leave for
3 27 physical or mental personal illness, bodily injury, medically
3 28 related disabilities, including disabilities resulting from
3 29 pregnancy and childbirth, or contagious disease, which result
3 30 in any of the following:
3 31 1- a. ~~which require the~~ The employee's confinement, is
3 32 required.
3 33 2- b. ~~which render the~~ The employee is rendered unable to
3 34 perform assigned duties, or,
3 35 3- c. ~~When~~ The performance of assigned duties would
4 1 jeopardize the employee's health or recovery.
4 2 6. ~~Separation from state employment shall cancel~~ Except as
4 3 provided in section 70A.23, all unused accrued sick leave in
4 4 an employee's sick leave account is canceled upon the
4 5 employee's separation from state employment. However, if an
4 6 employee is laid off and the employee is re-employed by any
4 7 state department, board, agency, or commission within one year
4 8 of the date of the layoff, accrued sick leave of the employee
4 9 shall be restored.
4 10 7. State employees, excluding state board of regents'
4 11 faculty members with nine-month appointments, and employees
4 12 covered under a collective bargaining agreement negotiated
4 13 with the public safety bargaining unit who are eligible for
4 14 accrued vacation benefits and accrued sick leave benefits, who
4 15 have accumulated thirty days of sick leave, and who do not use
4 16 sick leave during a full month of employment may elect to
4 17 accrue have up to one-half day of additional vacation added to
4 18 the employee's accrued vacation account. The accrual of
4 19 additional vacation time by added to an employee employee's
4 20 accrued vacation account for not using sick leave during a
4 21 month is in lieu of the accrual of up to one and one-half days
4 22 of sick leave for that month. The amount of additional
4 23 vacation for part-time employees shall be prorated to the
4 24 amount of additional vacation authorized for full-time
4 25 employees. The director of the department of administrative
4 26 services may adopt the necessary rules and procedures for the
4 27 implementation of this program for all state employees except
4 28 employees of the state board of regents. The state board of
4 29 regents may adopt necessary rules for the implementation of
4 30 this program for its employees.
4 31 8. The head of any department, agency, or commission,
4 32 subject to rules of the department of administrative services,
4 33 may grant an educational leave to employees for whom the head
4 34 of the department, agency, or commission is responsible
4 35 pursuant to section 70A.25 and funds appropriated by the
5 1 general assembly may be used for this purpose. The head of
5 2 the department, agency, or commission shall notify the
5 3 legislative council and the director of the department of
5 4 administrative services of all educational leaves granted
5 5 within fifteen days of the granting of the educational leave.
5 6 If the head of a department, agency, or commission fails to
5 7 notify the legislative council and the director of the
5 8 department of administrative services of an educational leave,
5 9 the expenditure of funds appropriated by the general assembly
5 10 for the educational leave shall not be allowed.
5 11 9. A specific annual salary rate or annual salary
5 12 adjustment commencing with a fiscal year shall commence on
5 13 July 1 except that if a pay period overlaps two fiscal years,
5 14 a specific annual salary rate or annual salary adjustment

5 15 shall commence with the first day of a pay period as specified
5 16 by the general assembly.

5 17 Sec. 2. Section 70A.23, Code 2005, is amended by striking
5 18 the section and inserting in lieu thereof the following:

5 19 70A.23 CREDIT FOR ACCRUED SICK LEAVE.

5 20 1. For purposes of this section:

5 21 a. "Eligible retirement system" means a retirement system
5 22 authorized under chapter 97A or 97B, including the teachers
5 23 insurance and annuity association=college retirement equities
5 24 fund (TIAA=CREF).

5 25 b. "Eligible state employee" means a state employee
5 26 eligible to receive retirement benefits under an eligible
5 27 retirement system.

5 28 2. An eligible state employee, excluding an employee
5 29 covered under a collective bargaining agreement which provides
5 30 otherwise, who retires and has applied for retirement benefits
5 31 under an eligible retirement system, or who dies while in
5 32 active employment, shall be credited with the number of
5 33 accrued days of sick leave of the employee. The employee, or
5 34 the employee's estate, shall receive a cash payment of the
5 35 monetary value of the employee's accrued sick leave balance,
6 1 not to exceed two thousand dollars. The value of the
6 2 employee's accrued sick leave balance shall be calculated by
6 3 multiplying the number of hours of accrued sick leave by the
6 4 employee's regular hourly rate of pay at the time of
6 5 retirement.

6 6 3. a. An eligible state employee, excluding an employee
6 7 covered under a collective bargaining agreement which provides
6 8 otherwise or an employee of the state board of regents, who
6 9 retires and receives a payment as provided in subsection 2
6 10 shall be entitled to elect to have the employee's available
6 11 remaining value of sick leave to be used to pay the state
6 12 share for the employee's continuation of state group health
6 13 insurance coverage pursuant to the requirements of this
6 14 subsection.

6 15 b. An eligible state employee's available remaining value
6 16 of sick leave shall be calculated as follows:

6 17 (1) If the employee's accrued sick leave balance prior to
6 18 payment as provided in subsection 2 is seven hundred fifty
6 19 hours or less, sixty percent of the value of the remaining
6 20 accrued sick leave balance.

6 21 (2) If the employee's accrued sick leave balance prior to
6 22 payment as provided in subsection 2 is one thousand five
6 23 hundred hours or less but more than seven hundred fifty hours,
6 24 eighty percent of the value of the remaining accrued sick
6 25 leave balance.

6 26 (3) If the employee's accrued sick leave balance prior to
6 27 payment as provided in subsection 2 is more than one thousand
6 28 five hundred hours, one hundred percent of the value of the
6 29 remaining accrued sick leave balance.

6 30 c. An eligible state employee's available remaining value
6 31 of sick leave shall be available to pay for that portion of
6 32 the employee's state group health insurance premium that would
6 33 otherwise be paid for by the state if the employee were still
6 34 a state employee. The benefits provided for in this
6 35 subsection have no cash value and are not transferable to any
7 1 other person, including the retiree's spouse. Payment of
7 2 state group health insurance premiums pursuant to this
7 3 subsection continues until the earliest of when the eligible
7 4 state employee's available remaining value of sick leave is
7 5 exhausted, the employee otherwise becomes eligible for federal
7 6 Medicare program benefits, or the employee dies. In addition,
7 7 an employee electing benefits pursuant to this subsection who
7 8 is reinstated or reemployed in a permanent full-time or
7 9 permanent part-time position within state government forfeits
7 10 any remaining benefits for payment of state group health
7 11 insurance benefits, and such employee is not eligible for
7 12 restoration of the unused sick leave accrued during the
7 13 employee's prior employment with the state.

7 14 4. Notwithstanding any provision of this section to the
7 15 contrary, peace officers employed within the department of
7 16 public safety and the department of natural resources that are
7 17 not covered under a collective bargaining agreement shall have
7 18 a sick leave conversion program extended to them that is
7 19 equivalent to the sick leave conversion program negotiated
7 20 under chapter 20 between the state and the state police
7 21 officers council labor union for peace officers. In addition,
7 22 an employee of the department of public safety or the
7 23 department of natural resources who has earned benefits of
7 24 payment of premiums under a collective bargaining agreement
7 25 and who becomes a manager or supervisor and is no longer

7 26 covered by the agreement shall not lose the benefits of
7 27 payment of premiums earned while covered by the agreement.
7 28 The payment shall be calculated by multiplying the number of
7 29 hours of accumulated, unused sick leave by the employee's
7 30 hourly rate of pay at the time of retirement.

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JEFFREY M. LAMBERTI
President of the Senate

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CHRISTOPHER C. RANTS
Speaker of the House

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I hereby certify that this bill originated in the Senate and
is known as Senate File 2231, Eighty-first General Assembly.

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MICHAEL E. MARSHALL
Secretary of the Senate

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Approved _____, 2006

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THOMAS J. VILSACK

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Governor